IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE M.N.KRISHNAN

WEDNESDAY, THE 7TH MARCH 2007 / 16TH PHALGUNA 1928

RP.No. 27 of 2007(F)

AGAINST THE JUDGEMENT/ORDER IN RSA.473/2006 Dated 31/07/2006

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REVIEW PETITIONERS/APPELLANTS/DEFENDANTS.
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1. SOSAMMA, VELLORKATTIL,
KARIKKODU KARA, VELLOOR VILLAGE,
VAIKOM TALUK.

2. BIJU, S/O.SOSAMMA,
VELLORKKATTIL, KARIKKODUV KARA,
VELLOOR VILLAGE, VAIKOM TALUK.

BY ADV. SRI.M.P.KRISHNAN NAIR

RESPONDENT/RESPONDENT: PLAINTIFF.

THANKACHAN, PUNNALATHIL,
MALARRYKARA DESOM, UZHAVOOR VILLAGE,
MEENACHIL TALUK.

BY

THIS REVIEW PETITION HAVING COME UP FOR ADMISSION ON 07/03/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

M.N. KRISHNAN, J.

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R.P. 27 OF 2007

IN RSA 473 OF 2006

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Dated this the 7th day of March, 2007.

O R D E R

The learned counsel for the review petitioner submits that the Court had not analysed the matter in the correct perspective and there is an error apparent on the face of the records and so the judgment is liable to be reviewed.

2. I had once again carefully gone through the judgment which I had passed on 31/7/06. It was against the concurrent judgment of two courts, the second appeal was preferred. The review petitioner is claimed to be the wife of deceased Thankachan and therefore claim right over the property. I had perused the matter even at the stage of admission. I had discussed the evidence available in the matter and came to a conclusion that the factual analysis of the materials arrived at the by the Courts below are correct and is not liable to be interfered with.

3. Further, I had also consciously gone through the decision reported in Gurdev Kaur v. Kaki (AIR 2006 SC 1975) which had reminded the High Court that it shall not act as a third trial court on facts or it shall not be another dice in the gamble. I do not find any error apparent on the face of the records or any matter which could not be brought to my notice in spite of due diligence of the review petitioner. So the review petition lacks merit and it is dismissed.

M.N. KRISHNAN, JUDGE.

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